

# ***HOUSE OF REPRESENTATIVES***

## ***Council for Healthy Communities***

**Representative Nancy Argenziano, Chair**  
**Representative Curtis B. Richardson, Vice Chair**  
**2001 SUMMARY OF PASSED LEGISLATION**



### ***Child & Family Security Committee***

**Representative Nancy C. Detert, Chair**  
**Representative Cindy Lerner, Vice Chair**

### ***Crime Prevention, Corrections & Safety Committee***

**Representative Gus Michael Bilirakis, Chair**  
**Representative Aaron P. Bean, Vice Chair**

### ***Elder & Long Term Care Committee***

**Representative Carole Green, Chair**  
**Representative Mark Weissman, Vice Chair**

### ***Health Promotion Committee***

**Representative Kenneth W. "Ken" Littlefield, Chair**  
**Representative Mike Hogan, Vice Chair**

### ***Health Regulation Committee***

**Representative Frank Farkas, Chair**  
**Representative Eleanor Sobel, Vice Chair**



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## **Child & Family Security Committee**

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### **CS/HB 141, ER (Ch. Law 2001-3) – Adoption**

**By Healthy Communities; Lynn**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 415, CS/CS/SB 138, 1st ENG., Compare HB 477, 1st ENG.

**Committee(s)/Council(s) of Reference:** Child & Family Security (HCC); Judicial Oversight (SGC); Healthy Communities

CS/HB 141 amends ch. 39 and 63, F.S., to provide safeguards, uniformity, and clarification regarding proceedings for termination of parental rights and finalization proceedings in adoptions. The bill amends ch. 39 and 63 to provide that ch. 39 applies only to termination of parental rights proceedings that involve dependent children in the custody of or surrendered to the Department of Children and Family Services (DCF), and that ch. 63 applies to terminations of parental rights respecting children who have been placed with intermediaries or licensed child placing agencies for the purpose of adoption.

The bill applies the two-step process currently required of adoption agencies and DCF to all adoptions: first parental rights are terminated and once it has been established that the child is legally free for adoption, there is a second proceeding creating parental rights in the adoptive parent.

The bill provides, in the case of a newborn, a waiting period for the execution of the consent for adoption until 48-hours post-birth, or the day the birth mother is released from the hospital—whichever is earliest. In cases in which this waiting period does not apply, the bill provides a 3-day period during which the consent to adoption may be revoked and the procedures that must be followed.

The bill adds criminal penalties and civil liability for withholding information and fraudulent acts; and enumerates the duties of adoption entities and liabilities for failure to perform duties.

The effective date of this bill is October 1, 2001.

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### **CS/SB 772, ER – Public Records/Child-Support Service**

**By Children and Families; Sanderson**

**Linked Bills:** None

**Tied Bills:** Similar HB 599

**Committee(s)/Council(s) of Reference:** Children and Families; Governmental Oversight and Productivity; Rules and Calendar

CS/SB 772 provides an exemption to the public records law, s. 119.07(1), F.S., of identifying information that may endanger parents or children served by county child support enforcement agencies who do not receive cash assistance. Currently such information is not covered by the federal and state protection provided by Title IV-D of the Social Security Act and s. 409.2557, F.S., to parents who receive cash assistance

and are required to participate in the state child support enforcement program of the Department of Revenue.

The Department of Revenue's child support enforcement program is prohibited under Title IV-D of the Social Security Act from disclosing any information that identifies the parents to federal, state or local legislative bodies or committees, if a protective order has been entered or if there is reason to believe that the release of the information will result in harm to the parents or child.

In some counties, Clerks of the Courts or the county government have established child support enforcement programs to assist parents who do not receive Title IV-D cash assistance, with enforcement of their child support orders. As with the parents receiving cash assistance and participating under Title IV-D, information on some of the non-Title IV-D parents served by local programs is required to be maintained or accessible to the parent locator service, State Case Registry, and State Disbursement Unit. This bill addresses the need for protection of identifying information in Broward County where child support services are provided through County Administration. Under existing state and federal statutes, such information is not protected from public disclosure. In other counties where local child support enforcement services are provided, they are offered by Clerks of Circuit Courts.

Pursuant to s. 24 of Article I of the State Constitution, the bill contains a statement of public necessity for the exemption.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 856, ER – Infant Cribs**

**By Agriculture and Consumer Services; Commerce and Economic Opportunities; Wasserman-Schultz**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/SB 856, 1st ENG., Compare CS/CS/SB 784, 1st ENG.

**Committee(s)/Council(s) of Reference:** Agriculture and Consumer Services; Commerce and Economic Opportunities; Judiciary; Appropriations Subcommittee on General Government; Appropriations

CS/CS/SB 856 creates the Florida Infant Crib Safety Act. The bill prohibits a commercial user from manufacturing, retrofitting, selling, contracting to sell or resell, leasing, or subletting a full-size or non-full-size crib that has not met certain standards and regulations. These standards are delineated in the bill and track Consumer Product Safety Commission and American Society for Testing and Materials standards for infant cribs. The bill prohibits transient public lodging establishments and child care providers from providing, or offering for use, cribs that have not met these standards and regulations. The bill provides for penalties for violations of the act.

The bill allows the Department of Agriculture and Consumer Services, Department of Business and Professional Regulation and the Department of Children and Family Services the authority to prepare public education materials to inform the public, child care providers and commercial users regarding the dangers of unsafe cribs.

The bill provides rule-making authority to the Department of Agriculture and Consumer Services and to the Department of Children and Family Services.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

**CS/CS/SB 1214, ER – Foster Care**

**By Appropriations; Children and Families; Peadar**

**Linked Bills:** None

**Tied Bills:** Similar HB 1145

**Committee(s)/Council(s) of Reference:** Children and Families; Appropriations  
Subcommittee on Health and Human Services; Appropriations

CS/CS/SB 1214 establishes two strategies for the Department of Children and Family Services to provide comprehensive residential care services within the private sector at a fixed price:

- 1) The bill provides for expanded residential care capacity for children with extraordinary needs in Districts 4, 11 and 12 and the Suncoast region (Hillsborough, Manatee, Pinellas, Pasco, Sarasota and Desoto counties).
- 2) It creates model programs in Dade and Manatee counties to contract for the full range of out-of-home and related services for a portion of children in foster care. The bill provides for time frames for implementation, reports to the Legislature, and an independent annual evaluation for these strategies.

The bill requires the department to assess a child 11 years of age or older, who has been in foster care for 6 months and moved more than once, to determine if placement in group care is appropriate, in districts 4, 11, 12, and the Suncoast Region. These residential care provisions are subject to specific appropriations.

The bill provides flexibility in implementing community-based foster care and related services. When the department is not successful in competitively procuring an eligible lead community-based provider for all services, it may contract for specific services as a phase-in to full privatization.

The bill amends s. 39.402, F.S., to provide for shortened lengths of stay in foster care by facilitating family visitation and referral for services. It requires the department, in court shelter hearings, to recommend a schedule of contacts between the child and parents, and to make referral information available to parents seeking voluntary services. It provides that participation in services does not constitute admission of allegations. The bill amends s. 435.045, F.S., to allow the department to speed background checks in homes where children are placed by accessing federal databases.

The bill amends s. 409.176, F.S., to require residential child-caring agencies and family foster homes to comply with uniform fire safety standards in ch. 633, F.S. It includes provisions that allow for a family foster home license to be valid for longer than 1 year, and upgrades the seriousness of the offense if a person assaults an employee of a lead community-based provider or its service provider, protection now given to department employees.

OPPAGA is required to report on the status of the child protection program by February 1, 2002.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 1258, ER – Behavioral Health Services**

**By Health, Aging and Long-Term Care; Children and Families; Mitchell**

**Linked Bills:** None

**Tied Bills:** Similar HB 1073, Compare HB 1799, SB 1346

**Committee(s)/Council(s) of Reference:** Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

CS/CS/SB 1258 provides four strategies to improve the quality and integration of behavioral health care services: 1) It creates Behavioral Health Care Demonstration Models to test two models of more efficient management and integration of mental health and substance abuse services. 2) It provides for model programs to integrate children's mental health and substance abuse crisis services in three counties that have lost services. 3) It requires the Department of Children and Family Services and Agency for Health Care Administration to accept national accreditation review in lieu of their current licensure monitoring requirements to encourage quality standards and reduce duplicative monitoring. 4) It provides for an interagency behavioral healthcare workgroup that includes representatives of local government, providers and consumers, to identify strategies to coordinate and integrate services.

The Behavioral Health Care Demonstration Models are to operate for three years to test two models of service management of services funded by the Department of Children and Family Services and the Agency for Healthcare Administration that administers Medicaid. One service delivery strategy permits the department to contract with a Medicaid prepaid mental health plan to provide behavioral health care through managed care. The second strategy requires the department and agency to competitively procure the services of an administrative services organization to manage behavioral health services funded by Medicaid program and the department, through contracts with providers. Behavioral Healthcare Overlay Services for delinquent and dependent children are to remain fee for service. The bill requires a managing entity and an advisory body for each model and an independent evaluation of both strategies and report every 12 months.

The bill creates s. 394.499, F.S. that authorizes the department, in consultation with the agency, to implement children's behavioral crisis unit demonstration models in Collier, Lee and Sarasota counties using existing funds. The models will provide integrated emergency mental health and substance abuse services to children under age 18 at facilities licensed as children's crisis stabilization units. The models may be expanded, subject to approval by the Legislature, beginning July 1, 2004, pending an evaluation.

The bill creates s. 394.471 that requires accreditation be accepted by the department and Agency for Health Care Administration to replace onsite licensure review requirements and be accepted as a substitute for the department's administrative and program monitoring requirements. The department and the agency may adopt rules for additional monitoring and licensing standards.



Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/CS/SB 1346, ER – Behavioral Health Care Services**

**By Appropriations; Children and Families; Saunders**

**Linked Bills:** None

**Tied Bills:** Similar HB 1799, Compare HB 1073, SB 1258

**Committee(s)/Council(s) of Reference:** Children and Families; Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

CS/CS/SB 1346 provides legislative intent that mental health and substance abuse services promote best practices and the highest quality of care through achievement of national accreditation. The Legislature intends for state agencies to license and monitor service providers in the most cost-efficient and effective manner, with limited duplication and disruption to the service organizations.

The bill requires that accreditation be accepted by the Department of Children and Family Services and the Agency for Health Care Administration to replace onsite licensure review requirements and be accepted as a substitute for the department's administrative and program monitoring requirements. The department and the agency may adopt rules for additional monitoring and licensing standards when the accreditation standards and processes do not cover a specific and distinct requirement. The rules may also address onsite monitoring for non-residential and residential facilities between accreditation surveys to assure compliance with critical standards.

The bill authorizes the department, in consultation with the agency, to implement children's behavioral crisis unit demonstration models. The demonstration models will provide integrated emergency mental health and substance abuse services to persons under the age of 18 at facilities licensed as children's crisis stabilization units. Children served in the demonstration programs will have access in one facility to both mental health and substance abuse services, based on their individual needs.

The initial demonstration models are limited to no more than three counties, but may be expanded, subject to approval by the Legislature, beginning July 1, 2004, pending an evaluation. The demonstrations will be implemented with existing funding for services and have no fiscal impact.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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## **Crime Prevention, Corrections & Safety Committee**

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### **HB 29 – Driving Under Influence**

**By Brummer**

**Linked Bills:** None

**Tied Bills:** Identical SB 430

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety (HCC); Transportation (RIC); Healthy Communities

HB 29 requires that, for underage persons with a blood or breath alcohol level of .05, a drivers license suspension shall remain in effect until the person completes a substance abuse course and evaluation offered by a DUI program licensed by the Department of Highway Safety and Motor Vehicles. The bill requires the course provider to conduct a substance abuse evaluation of the driver, and notify the parents or legal guardians of drivers under the age of 19 years, of the results of the evaluation. If the driver fails to complete the substance abuse education course and evaluation, the Department cannot reinstate the person's license. The bill requires the driver to bear the cost of the course and evaluation.

The bill authorizes a law enforcement officer to take a minor under the age of 18, who is found to be driving with a blood or breath alcohol level of .02, to an addictions receiving facility in the county in which the minor was found driving if the county makes the facility available for such purpose.

In addition, the bill makes a number of changes related to temporary driving permits and using blood test results obtained during a traffic investigation to suspend a driver's license. Finally, the bill makes several technical corrections, including deleting references to "percent" when referring to alcohol level and adding references to "blood alcohol" and "breath alcohol" levels.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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### **CS/HB 175, 2nd ENG. – Reckless Driving**

**By Crime Prevention, Corrections & Safety; Machek**

**Linked Bills:** None

**Tied Bills:** Compare CS/SB 678, SB 1088, Includes HB 1029

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety; (HCC); Transportation (RIC); Healthy Communities

CS/HB 175 defines "serious bodily injury" and provides third-degree felony penalties for reckless driving resulting in serious bodily injury to another. The bill provides first degree misdemeanor penalties for damaging the property or person of another as a result of reckless driving. The bill provides that 120 hours of community service may be imposed as additional punishment for vehicular homicide. This bill defines "aggressive careless driving" and requires the Department of Highway Safety and Motor Vehicles (DHSMV) to revise uniform traffic citations to include a check box for law enforcement officers to indicate when a traffic violation or accident was caused by aggressive driving. The bill

further requires DHSMV to report to the Legislature by December 1, 2002, providing the number of aggressive driving incidents during the preceding 6-month period.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

**SB 226, 1st ENG. – Sexual Violence / Jails & Prisons**

**By Dawson**

**Linked Bills:** None

**Tied Bills:** Similar HB 285

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 226 requires correctional officers to be provided special training through the Criminal Justice Standards and Training Commission regarding the identification and prevention of sexual assault, as well as reporting requirements for instances of sexual assault. The bill also makes it a third-degree felony for employees of a local detention facility, whether publicly or privately operated, to engage in sexual misconduct, as defined in s. 944.35, F.S. SB 226 requires that employees who violate this law, regardless of prosecution, are to be dismissed from their jobs and are not to obtain future employment in any correctional system.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

**CS/SB 232 – Controlled Substances/Hydrocodone**

**By Criminal Justice; Brown-Waite**

**Linked Bills:** None

**Tied Bills:** Similar HB 1747

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

CS/SB 232 addresses the concerns of the medical community created by CS/HB 2085, which was passed during the 2000 legislative session, by reinstating hydrocodone as a Schedule III controlled substance. This will restore the ability of a doctor to authorize a prescription refill for a medication containing hydrocodone up to five times within a six month period. The bill further inserts a reference to Schedule III hydrocodone in the drug trafficking statute to indicate that a person can be prosecuted for trafficking in hydrocodone.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

**SB 240 – Sentencing**

**By Criminal Justice; Smith**

**Linked Bills:** None

**Tied Bills:** Identical HB 361

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 240 would require any inmate who commits a crime while in a state correctional facility, to serve the sentence for that newly committed crime in the state correctional system or private prison, regardless of whether the new crime(s) is a felony or a misdemeanor.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/HB 245, 1st ENG. – Parole Commission Reform Act of 2001**

**By Healthy Communities; Brummer**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 388, Compare CS/HB 1765, CS/CS/SB 306

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety (HCC); Fiscal Policy & Resources (FRC); Healthy Communities

CS/HB 245 transfers responsibility for the following conditional release functions from the Parole Commission to the Department of Corrections: reviewing the files of inmates who are eligible for conditional release; interviewing inmates who are eligible for conditional release; contacting victims for input with regard to conditions of supervision; making recommendations to the Parole Commission for terms and conditions of conditional release supervision; and gathering sufficient information and material to allow the Parole Commission to perform mandatory biennial supervision reviews. CS/HB 245 also gives sole responsibility to the Department of Corrections for notifying local law enforcement of all pending inmate releases, including the placement of inmates into work release programs. The bill places the responsibility of victim notification on the Department of Corrections or the State Attorney, whichever is considered appropriate.

CS/HB 245 also changes the "split sentence" provision of s. 947.1405, F.S., (conditional release) by stating that offenders who require conditional release supervision **and** who have a split sentence (meaning they've been sentenced by the court to a period of incarceration to be followed by a period of supervision) shall be supervised by the Department of Corrections, and the Parole Commission shall **defer** to the department's supervision.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 272 – Law Enforcement Officers**

**By Klein**

**Linked Bills:** None

**Tied Bills:** Identical HB 1691

**Committee(s)/Council(s) of Reference:** Criminal Justice

The bill amends s. 817.564, F.S., relating to imitation controlled substances, to provide that civil or criminal liability may not be imposed by virtue of this section against a law enforcement officer engaged in a bona fide drug investigation in which the officer possesses, manufactures, dispenses, sells, gives, or distributes an imitation controlled substance as part of the investigation.

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Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/CS/SB 306 – Public Protection**

**By Appropriations; Criminal Justice; Clary**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 1765, Compare CS/HB 245, 1st ENG., CS/SB 388

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

CS/CS/SB 306 requires the Department of Corrections, within 30 days after approving an inmate for community work release, to notify, upon request, the state attorney and the victim, or victim's parent, guardian, lawful representative, or next of kin. Additionally, the bill amends other victim notification statutes to expand the notification requirements to include notification of the victim's parent, guardian, lawful representative, or next of kin, when applicable.

CS/CS/SB 306 enables Florida to join with other states to establish the "Interstate Compact for Adult Offender Supervision" in place of the current Interstate Compact for the Supervision of Parolees and Probationers. The new Interstate Compact is an updated version of the current Compact, and will allow states to cooperate in the movement of supervised offenders from one state to another. The new Compact will have the authority to pass and enforce rules binding on the compacting states, hire staff to carry out its work, and facilitate the cooperation between the compacting states in the job of supervising offenders who change states of residence. It is estimated that Florida's dues to the new Compact will begin at \$46,000 yearly.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 338, 1st ENG. – Bryant Peney Act**

**By Campbell**

**Linked Bills:** None

**Tied Bills:** Similar HB 375

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 338 adds the offense of resisting a law enforcement officer with violence to his or her person to the list of enumerated offenses in the first degree and second degree felony murder statutes. Thus, the bill allows for prosecution for either first degree or second degree felony murder (depending on who actually did the killing) rather than for third degree felony murder, for an unlawful killing which occurs during the course of resisting an officer with violence.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**CS/CS/SB 366, 1st ENG. – DNA Evidence**

**By Appropriations; Criminal Justice; Villalobos**

**Linked Bills:** None

**Tied Bills:** Compare CS/HB 147

**Committee(s)/Council(s) of Reference:** Criminal Justice; Judiciary; Appropriations  
Subcommittee on Public Safety and Judiciary; Appropriations

CS/CS/SB 366 permits a person who has been tried and found guilty of a crime to petition the trial court to order the examination of physical evidence collected at the time of the investigation of the crime that may contain DNA that would exonerate the defendant or mitigate the sentence that person received. The bill places time limitations on the filing of the motion. It also contains specific pleading requirements, including a statement that the defendant is innocent and would be exonerated by the DNA test. If the trial court denies the motion, the bill provides for appellate review. The bill requires governmental entities to maintain physical evidence collected at the time of a crime for which a DNA test may be requested for a specific length of time.

The bill also expands the DNA database maintained by the Florida Department of Law Enforcement. By 2005, contingent upon specific appropriation, the database will include DNA analysis of specimens collected from each person convicted of a felony offense.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001 except the provision relating to the DNA database which shall take effect July 1, 2001.

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**SB 412 – Civil Actions / Firearms & Ammunition**

**By Bronson**

**Linked Bills:** None

**Tied Bills:** Identical HB 449

**Committee(s)/Council(s) of Reference:** Criminal Justice; Judiciary

SB 412 prohibits civil actions against firearms and ammunition manufacturers, distributors, dealers and trade associations by certain governmental entities under certain circumstances. The right to sue the firearms entities for damages, abatement, or injunctive relief resulting from the lawful design, marketing, or sale of firearms to the public is prohibited. The specified entities prohibited from bringing such suits are the state or its agencies and instrumentalities, counties, municipalities, special districts, or other political subdivisions of the state. The bill does not prohibit an individual person from bringing a suit for breach of contract, breach of express warranty, or injuries resulting from a defect in materials or workmanship.

The bill specifically does not prohibit actions against firearms or ammunition manufacturers or dealers for breach of contract or warranty in connection with firearms or ammunition purchased by a county, municipality, special district or other political subdivision or agency of the state. Further, the bill does not prohibit actions for injuries resulting from a firearm or ammunition malfunction due to defects in design or manufacture.

The bill provides for attorney's fees, costs, lost income and expenses for civil actions brought in violation of this section.

This bill creates section 790.331, Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**SB 540, 1st ENG. – White Collar Crime Victim Protection**

**By Burt**

**Linked Bills:** None

**Tied Bills:** Similar HB 1187

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 540 provides that any person who commits an aggravated white collar crime and in so doing either victimizes ten or more elderly persons or twenty persons or the State of Florida and thereby obtains or attempts to obtain \$50,000 or more, commits a first degree felony. The bill authorizes a judge to order a person convicted of an aggravated white collar crime to pay a fine of \$500,000 or double the value of the pecuniary gain or loss, whichever is greater. The bill also authorizes a court to order a defendant to pay restitution to each victim of the aggravated white collar crime, regardless of whether the victim was named in the charging document.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 676, 1st ENG. – Prison Releasee Reoffender**

**By Smith**

**Linked Bills:** None

**Tied Bills:** Similar HB 1465

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 676 amends the current definition of "prison releasee reoffender" to include: 1) defendants who commit specific violent crimes, while in Florida, within three years after being released from a correctional institution located outside the state of Florida, and 2) defendants who commit these violent crimes, while in Florida, while on escape status from a correctional institution located outside the state of Florida. SB 676 also clarifies that the definition of prison releasee reoffender includes specified individuals who commit burglary of an occupied structure or burglary of a dwelling, regardless of whether the dwelling was occupied at the time.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 695 – Sentencing/Criminal Street Gangs**

**By Mack**

**Linked Bills:** None

**Tied Bills:** Identical SB 122

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety (HCC); Smarter Government



HB 695 repairs the constitutional defect identified by the Florida Supreme Court in the statute relating to enhanced penalties for offenses committed by criminal street gang members by providing that the penalty for a criminal offense may be enhanced upon a finding by the trial court that the defendant committed the offense for the purpose of furthering, benefiting or promoting a criminal street gang.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 698 – Statute of Limitation/Sexual Offense**

**By Campbell**

**Linked Bills:** None

**Tied Bills:** Similar HB 505

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 698 provides that if the victim of a sexual battery, of a lewd and lascivious offense or of incest is under the age of 18, the applicable period of limitation does not begin to run until the victim has reached the age of 18 or until the crime is reported to law enforcement, whichever occurs earlier. Under current law, the statute of limitations begins to run when the victim reaches the age of 16 or when the crime is reported to law enforcement.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**SB 766 – Driver's Licenses/DUI Convictions**

**By Sanderson**

**Linked Bills:** None

**Tied Bills:** Identical HB 259

**Committee(s)/Council(s) of Reference:** Transportation; Criminal Justice

SB 766 conforms the provisions relating to suspension of a driver's license for repeat DUI offenses to the provisions relating to mandatory jail terms for repeat DUI offenses. The bill provides that upon a second or subsequent DUI conviction the period of license revocation will be based on the date of offense rather than the date of conviction. Upon a second conviction for a DUI offense that occurs within a period of five years after the date of the prior DUI conviction, a person's driver's license will be revoked for a minimum of five years.

The bill also provides that the mandatory driver's license suspension for a third DUI will be based on having a third offense within 10 years of a prior conviction (meaning the most recent conviction), instead of being based on having a third DUI conviction within 10 years of the first conviction. Thus, upon a third conviction for an offense that occurs within a period of ten years after the date of a prior DUI conviction, a person's driver's license shall be revoked for a minimum of ten years.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 810 – Municipal Law Enforcement Officers**

**By Laurent; Crist**

**Linked Bills:** None

**Tied Bills:** Identical HB 593

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Criminal Justice

This bill authorizes municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction and to take into custody those who an officer has probable cause to believe have committed or are committing a crime on such leased properties or facilities. This bill extends civil and criminal immunity to municipal officers who detain a person on municipally-leased property.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/SB 888, 1st ENG. – Probation or Community Control**

**By Criminal Justice; Campbell**

**Linked Bills:** None

**Tied Bills:** Compare HB 569

**Committee(s)/Council(s) of Reference:** Criminal Justice

CS/SB 888 provides that if an affidavit is filed alleging a violation of probation or community control, and a warrant is issued pursuant to s. 901.02(1), F.S., the probationary or community control period will be tolled (suspended) until the violation is ruled upon by the court. During the tolled time, the court will retain jurisdiction over the offender, and the offender will continue to be subject to the terms of the court-ordered supervision. If the court confirms the violation of probation, the bill permits the court to impose a sentence where the combined amount of time under supervision plus time tolled can exceed the maximum sentence length as provided in s. 775.082, F.S., for a term up to the amount of time tolled. The bill provides that if the court dismisses the affidavit of the alleged violation of probation, then the probation or community control supervision will continue as previously imposed and the probationer will be entitled to day-for-day credit for all time tolled.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HJR 951 – Excessive Punishment**

**By Crime Prevention, Corrections & Safety; Bilirakis**

**Linked Bills:** None

**Tied Bills:** Identical SJR 124

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety (HCC)

HJR 951 is a joint resolution which proposes the same amendment to Section 17, of Article I of the State Constitution which was proposed and passed in 1998. In the 1998 general election, it appeared on the ballot as "Amendment 2" and was passed by nearly

73 percent of the voters (receiving over 2.6 million “yes” votes). Twenty-two months after the election, the amendment was struck down by the Florida Supreme Court in a ruling in which four of the seven justices concluded that the ballot summary was “clearly and conclusively” inaccurate.

This joint resolution makes a specific provision within Article 1, Section 17 of the State Constitution that the death penalty is an authorized punishment for capital crimes. It also changes the state prohibition against “cruel or unusual” punishment to a prohibition against “cruel and unusual” punishment. The proposed constitutional amendment would ensure that the cruel or unusual provision in Article I, Section 17, could not be a basis for the Florida Supreme Court to rule the death penalty unconstitutional unless the death penalty also violates the United States Constitution. The resolution also provides that if a method of execution is declared invalid, then the sentence may not be reduced, and the sentence shall remain in force until there is an execution by a valid method.

Subject to approval by a vote of the electors, the effective date of this bill is the first Tuesday after the first Monday in January following the election.

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### **HB 953 – Burglary**

**By Crime Prevention, Corrections & Safety; Bilirakis**

**Linked Bills:** None

**Tied Bills:** Identical SB 1080, Compare SB 950

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety (HCC)

HB 953 reasserts the seventeen year case precedent with respect to certain types of burglaries which was recently substantially restricted as a result of the Florida Supreme Court decision of *Delgado v. State* (Fla. 2000). Insofar as burglaries committed on or before July 1, 2001, the bill is a legislative restoration of the law of burglary to what it was prior to the Delgado opinion.

HB 953 also creates a new section of law to apply to burglaries committed after July 1, 2001. This new section rewrites the definition of burglary in such a way as to specify the circumstances under which an invited entry can turn into a burglary by virtue of the person remaining on the property, without permission, with the intent to commit a crime.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

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### **SB 1148, 2nd ENG. – Corrections**

**By Crist**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 1133, Compare HB 1967, CS/SB 1534, 1st ENG, SB 1654, Includes part of HB 1967

**Committee(s)/Council(s) of Reference:** Criminal Justice; Governmental Oversight and Productivity

SB 1148 amends the definition of “corporation” as it relates to prison industries in Part II of Chapter 946, F.S. SB 1148 provides for PRIDE (Prison Rehabilitative Industries and

Diversified Enterprises, Inc.) to create an additional nonprofit member corporation, as long as PRIDE is the sole member of the corporation and the Board of Directors of the corporation is composed of at least 51% of PRIDE's board members. The member corporation will be subject to the same duties and responsibilities as that of PRIDE. SB 1148 allows PRIDE to apply to become a participant in the state group health insurance programs and the prescription drug coverage program. SB 1148 also requires offenders who are under community supervision, and who are subject to electronic monitoring, to pay a surcharge that will contribute to the costs of such monitoring. Finally, the bill makes several technical corrections to Ch. 946 and Ch.957 of the Florida Statutes, fixing incorrect and obsolete statutory language and references.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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### **SB 1198 – Crimes / Using Two-way Communications**

**By Webster**

**Linked Bills:** None

**Tied Bills:** Identical HB 1349

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

SB 1198 provides that any person who uses a two-way communications device, including, but not limited to, a portable two-way wireless communications device, to facilitate or further the commission of any felony commits a subsequent felony of the third degree, ranked in level 4 of the Criminal Punishment Code's offense severity ranking chart.

This bill creates a new section of Florida Statutes and amends s. 921.0022.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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### **CS/SB 1318 – Correctional Facilities**

**By Criminal Justice; Saunders**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 131

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

CS/SB 1318 creates the third degree felony offense of battery of a correctional facility employee by throwing, tossing or expelling blood, masticated food, regurgitated food, saliva, seminal fluid, urine, or feces with the intent to harass, annoy, threaten or alarm the employee.

The bill provides that if the Department of Corrections (DOC) has reason to believe that an inmate may have transmitted a communicable disease to a correctional employee or any person lawfully present in a correctional facility who is not incarcerated there, the department shall test the inmate for a communicable disease. If the test indicates that the inmate has a communicable disease, the bill requires DOC to provide the affected

person and inmate with counseling, health care and support services. The results of the test are inadmissible against the person tested in any federal or state civil or criminal case.

The bill amends the criminal mischief statute to provide that any person who willfully and maliciously defaces, injures, or damages a sexually violent predator facility or any property contained therein commits a third degree felony if the damage to property is greater than \$200.

The bill also provides for the reclassification of assault or battery offenses committed upon a staff member of a sexually violent predator detention or commitment facility in the same manner as the reclassification of assault or battery offenses committed against a law enforcement officer.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

**CS/HB 1425 – Violent Crime and Drug Control Council**

**By Healthy Communities; Bowen; Spratt; Heyman**

**Linked Bills:** None

**Tied Bills:** Identical CS/SB 1864, 1st ENG., Similar SB 2086, Compare CS/CS/HB 267, 2nd ENG., HB 811, 2nd ENG., SB 720

**Committee(s)/Council(s) of Reference:** Crime Prevention, Corrections & Safety (HCC); Criminal Justice Appropriations (FRC); Healthy Communities

CS/HB 1425 expands the functions of the Florida Violent Crime Council to address drug control and money laundering strategies. This bill conforms the council's name, membership, funding provisions and reporting requirements to reflect the expanded role of the council. This bill prohibits a court from expunging or sealing the criminal history record of a person convicted of specified sexual offenses. This bill provides for the collection of biological samples other than blood to be collected and used for the state's DNA database. This bill provides enhanced penalties for violations relating to intercepting police radio communications. The bill clarifies the cost and fee setting basis for FDLE to provide criminal history files. This bill authorizes FDLE to expunge or seal non-judicial arrest records of minors who successfully complete pre-arrest or post-arrest diversion programs related to non-violent misdemeanors.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

**CS/SB 1932, 1st ENG. – Drug Traffic Program/Orange Co.**

**By Criminal Justice; Laurent**

**Linked Bills:** None

**Tied Bills:** CS/HB 1529, 1st ENG.

**Committee(s)/Council(s) of Reference:** Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

CS/SB 1932 creates a three year pilot program in Orange County, Florida to target and intercept the illegal shipment of narcotics via package delivery services.

The bill creates a third degree felony offense when any person willfully keeps or maintains a place which is visited by persons for the purpose of unlawfully using any controlled substance or which is used for the illegal keeping, selling or delivering of a controlled substance.

The bill classifies the following drugs as Schedule I controlled substances: GBL, a substance that, when consumed, converts in the body to GHB and 4-methoxymethamphetamine, a drug which is similar to Ecstasy. The bill reschedules 1,4-Butanediol and GHB from Schedule II to Schedule I.

The bill creates the offenses of trafficking in GBL, LSD, and 4-methoxymethamphetamine. The offenses will have minimum mandatory sentences ranging from three to fifteen years based on the quantity of substance involved.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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#### **CS/SB 2012 – Character Evidence/Child Molestation**

**By Judiciary; Crist**

**Linked Bills:** None

**Tied Bills:** Identical HB 759

**Committee(s)/Council(s) of Reference:** Judiciary

CS/SB 2012 adds a specific provision to s. 90.404(2) of the Florida Evidence Code to admit similar fact evidence of the defendant's other acts of "child molestation" in cases where the defendant is charged with an act of "child molestation." In addition, the bill allows notice of the state's intention to use evidence of other crimes to be given to the defendant or the defendant's counsel to satisfy the statutory notification requirement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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#### **SB 2104 – Hiring or Leasing Personal Property**

**By Crist**

**Linked Bills:** None

**Tied Bills:** Identical HB 1587

**Committee(s)/Council(s) of Reference:** Commerce & Economic Development

The bill amends s. 812.155(7), F.S., to narrow the scope of the exclusion from criminal prosecution for hiring or leasing with intent to defraud. Property that is the subject of a rental-purchase agreement and for which the rental store retains title to the property throughout the rental-purchase agreement period will no longer be excluded from the provisions of s. 812.155, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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#### **CS/SB 2118, 1st ENG. – Schools/Adult Entertainment Location**

**By Comprehensive Planning, Local and Military Affairs; Crist**

**Linked Bills:** None

**Tied Bills:** Similar HB 1777, 1st ENG.

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Criminal Justice; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

CS/SB 2118 prohibits the location of adult entertainment establishments within 2,500 feet of a public or private elementary school, middle school, or secondary school unless the county or city approves the location under proceedings specified in statute. The bill specifically excludes establishments that are legally operating on or before the effective date of the bill.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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## **Elder & Long Term Care Committee**

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### **HB 421, ER – Mental Health Treatment/Adults**

**By Bean**

**Linked Bills:** None

**Tied Bills:** Identical CS/SB 1682

**Committee(s)/Council(s) of Reference:** Elder & Long Term Care (HCC); Health & Human Services Appropriations (FRC); Fiscal Responsibility; Healthy Communities

HB 421 establishes a client-directed and choice-based pilot project in the Department of Children and Family Services District 4 mental health program. This project is designed to provide mental health treatment and support services to adults who have a serious mental illness allowing the client to control the public mental health funds allotted for his/her treatment and to directly purchase the services from the vendor of choice. The bill specifies that an evaluation be conducted by an independent entity to assess key provisions of the project. The pilot project expires July 1, 2004, and includes an appropriation of \$470,000 from the Alcohol, Drug Abuse and Mental Health Trust Fund in the Department of Children and Family Services for FY 2001-2002.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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### **CS/HB 605, 1st ENG. – Florida Alzheimer's Training Act**

**By Elder & Long Term Care, Gibson and others**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/SB 1456, Compare HB 1641, CS/CS/CS/SB 1202, ER

**Committee(s)/Council(s) of Reference:** Elder & Long Term Care (HCC); Health & Human Services Appropriation (FRC); Healthy Communities

CS/HB 605 (parts of CS/HB 605 passed as Section 26 of CS/CS/CS/SB 1202) requires that all nursing home employees, upon starting employment receive information about interacting with persons with Alzheimer's disease or related disorders. All employees with direct contact with such residents are required to have one hour of initial training on dementias and basic communication skills within three months of beginning employment and an additional three hours within nine months on managing problem behaviors, promoting independence and working with families and caregivers.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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### **HB 1003, ER – Nursing Homes/Vaccinations**

**By Paul and others**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 634

**Committee(s)/Council(s) of Reference:** Elder & Long Term Care (HCC), Healthy Communities

This bill requires that all licensed nursing homes provide immunizations against the

influenza virus to all of its consenting residents before November 30<sup>th</sup> of each year. Any person who becomes a resident after November 30<sup>th</sup> but before March 31, and consents to the procedure, requires immunization within five working days. If residents choose to receive the immunization from their personal physician, they must provide proof of the immunization to the facility.

The bill also requires an assessment for eligibility and vaccination, within 60 days of the effective date, of all residents for pneumococcal polysaccharide vaccination (PPV). Further, the bill requires facilities to annually encourage and promote the benefits associated with immunization against influenza virus to its employees.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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### **SB 1200, ER – Nursing Homes/Public Records**

**By Brown-Waite**

**Linked Bills:** CS/CS/CS/SB 1202, ER, HB 1861

**Tied Bills:** Compare HB 1581, HB 1619, HB 1641, CS/HB 1879, HB 1881, 1st ENG.

**Committee(s)/Council(s) of Reference:** Health Aging and Long Term Care, Judiciary, Governmental Operations and Productivity, Rules and Calendar.

SB 1200 creates exemptions from ch. 119, F.S., the Public Records Law, and Section 24(a), Article I of the State Constitution, and the open meetings provisions of s. 286.011, F.S., and Section 24(b) of the State Constitution. Information contained in the notification and reports of adverse incidents involving long-term care facilities is made confidential, except in the instance of disciplinary proceedings by the Department of Health or a regulatory board, in which case the records are available to the health care professional against whom probable cause has been found. The information may be disclosed to a law-enforcement agency, where it remains confidential and exempt until criminal charges are filed. Meetings of an internal risk-management and quality-assurance committee of a long-term care facility are not open to the public. It allows residents who are the subjects identified in incident reports or other related records to receive a copy of those documents upon request.

The bill makes the exemptions subject to a future review and repeal date of October 2, 2006, as required by s. 119.15, F.S., the Open Government Sunset Review Act of 1995. The bill provides findings and statements of public necessity to justify the creation of the public records and public meetings exemptions.

Subject to the Governor's veto powers, the effective date of this bill is contingent upon passage of CS/CS/CS/SB 1202, ER.

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### **CS/CS/CS/SB 1202, ER – Long Term Care Facilities**

**By Appropriations, Judiciary, Health Aging and Long Term Care; Brown-Waite**

**Linked Bills:** SB 1200, HB 1861

**Tied Bills:** Compare CS/HB 605, 1st ENG., HB 1353, HB 1571, HB 1619, HB 1641, HB 1753, 1st ENG., CS/HB 1879, HB 1881, 1st ENG., CS/CS/SB 792, 2nd ENG., SB 1326, CS/CS/SB 1456, CS/SB 1848, 1st ENG., SB 2002, 1st ENG., SB 2226

**Committee(s)/Council(s) of Reference:** Health Aging and Long Term Care, Judiciary, Appropriations Subcommittee on Health and Human Services, Appropriations

CS/CS/CS/SB 1202, related to long term care facilities, is a comprehensive reform bill significantly affecting the funding, operation, regulation, liability coverage requirements, and litigation aspects of nursing homes and assisted living facilities (ALFs). Among the major provisions are nursing home staffing standards for certified nursing assistants and licensed nurses; requirement for documentation of care provided in nursing homes; enhanced authority for the Agency for Health Care Administration (AHCA) to deny or revoke licensure for deficient operators; requirement for nursing homes and ALFs to maintain an internal risk management and quality assurance system; major tort reforms related to resident rights, attorney fees and imposition of punitive damages; direct care staff training requirements; requirement for nursing homes to maintain liability insurance, but directs AHCA to not enforce the requirement for nursing homes or ALFs until January 1, 2002; requirement for AHCA to establish a standard chart of accounts for Medicaid reimbursement to nursing homes; requirement for electronic filing of nursing home cost reports; increase in Medicaid funding for nursing homes by about \$70 million and requirement for the rebasing of the patient care component to allow for full reimbursement of nursing home costs; appropriation of \$5,602,460 from the Health Care Trust Fund and 79 positions to the agency to implement the provisions of the act; and, appropriation of \$948,782 from the General Revenue Fund to DOEA for the Office of State Long-Term Care Ombudsman.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise specified.

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## Health Promotion Committee

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### **SB 330, ER – H. Lee Moffitt Cancer Center and Research Institute**

**By Sullivan and others**

**Linked Bills:** None

**Tied Bills:** Similar HB 637, Compare SB 2286

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Finance and Taxation; Appropriations Subcommittee on Education; Appropriations

SB 330 provides an appropriation of \$2.5 million from nonrecurring General Revenue for fiscal year 2001-2002 to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to be used for the purpose of construction, repairs, furnishing, and equipment at the institute.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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### **CS/HB 475, ER – Public Health**

**By Healthy Communities; Hogan; Alexander**

**Linked Bills:** HB 477, 1st ENG.

**Tied Bills:** Similar CS/CS/SB 1312, 1st ENG., Compare HB 1075, 1st ENG., HB 1471, 1st ENG., HB 1867, 2nd ENG., CS/HB 1879, CS/HB 1985, SB 362, CS/SB 688, SB 702, SB 1314, CS/SB 1902, CS/SB 2158

**Committee(s)/Council(s) of Reference:** Health Promotion (HCC); Judicial Oversight (SGC); State Administration (SGC); Healthy Communities

The bill:

- Expands the type of personnel and facilities that may accept abandoned newborns to include an emergency medical services station, and provides for implied consent for treatment and transportation and certain immunity from liability for receipt of such newborns.
- Specifies purposes for which reserve amounts must be maintained in the County Health Department Trust Fund.
- Expands the type of personnel that may supervise nonmedical school district personnel; provides requirements for school health programs funded by health care districts or certain health care entities; and revises background screening requirements for school health service personnel.
- Expands Florida Patient's Bill of Rights and Responsibilities by removing limitation of application to "physical" handicaps.
- Modifies provisions relating to vital records to: authorize acceptance, use, and production of all records, reports, and documents in paper *or electronic form*; eliminate the requirement that reproduced records be in *exact* conformity with original records; and authorize the use of a notarized voluntary acknowledgment of paternity for purposes of birth registration and amendment of birth certificates. Related paternity statutes are amended to conform to these latter revisions.
- Modifies the annual report date for child abuse death reviews.
- Requires postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory.

- Provides that the furnishing of medical services by Children's Medical Services physicians does not constitute a conflict of interest.
- Expands use of Emergency Medical Services Trust Fund distributions to include injury prevention programs.
- Authorizes Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses required for emergency medical technicians and paramedics.
- Exempts emergency medical services examination questions and answers from discovery, and provides conditions for introduction of examination questions and answers in administrative proceedings.
- Repeals authority for the now-defunct Florida Coordinating Council on Radon Protection; and deletes an obsolete environmental radiation soil-testing requirement.
- Modifies provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy.
- Revises provisions related to food service employee training programs to: provide for the "grandfathering" of certain training programs; provide for audits and revocation of training program approval; and provide rulemaking authority for the Department of Business and Professional Regulation.
- Provides that a power of attorney relating to consent to medical care or treatment of a minor includes the power to consent to surgical and general anesthesia services.
- Provides for a June 1, 2001, repeal of a sunset provision for background screening requirements for applicants for licensure, certification, or registration as medical care facilities' owners and applicants.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/HB 563, ER – Lawton Chiles Endowment  
By Fiscal Responsibility; Fasano and others**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 1286

**Committee(s)/Council(s) of Reference:** Health Promotion (HCC); Fiscal Responsibility

CS/HB 563 substantially rewords existing provisions relating to the Lawton Chiles Endowment Fund, s. 215.5601, F.S., and restructures the allocation of funds distributed from the Lawton Chiles Endowment Fund (the Endowment). The bill "carves out" of the principal appropriated to the Endowment an annual and perpetual source of funding for biomedical research activities on diseases related to tobacco use, including cancer, heart disease, and lung disease. Specifically, beginning in fiscal year 2001-2002, \$150 million of the existing principal in the Endowment must be reserved and accounted for within the Endowment, the income from which shall be solely used as a funding source for biomedical research activities. The income from the remaining principal is to be used to fund health and human services programs for children and elders. When a cure has been found for tobacco-related cancer, heart disease, and lung disease, the dedicated biomedical research funding must be discontinued and the entire principal in the Endowment must be used exclusively for health and human services programs.

A new, 15-member Lawton Chiles Endowment Fund Advisory Council is created. State agencies must make recommendations to the council and the council must make recommendations to the Legislature. Two existing councils, the 13-member Lawton Chiles Endowment Fund Advisory Council for Children and the 13-member Lawton Chiles Endowment Fund Advisory Council for Elders, are deleted from current law.

The bill specifies that one of the long-term goals of the Florida Biomedical Research Program is to increase the state's per capita funding for research by undertaking new initiatives in public-health research. The bill requires the Biomedical Research Advisory Council to include as part of an annual progress report on biomedical research in Florida progress in the prevention and diagnosis of diseases related to tobacco use.

This bill provides an appropriation of \$25,000 to the Department of Children and Family Services and an appropriation of \$25,000 to the Department of Elderly Affairs, from each department's Tobacco Settlement Trust Fund, to pay administrative costs associated with the new Lawton Chiles Endowment Fund Advisory Council.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 840, ER – Public Records/Health/Financial Information**

**By Health, Aging and Long-Term Care; Saunders**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 365

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Rules and Calendar

The bill provides a public records exemption for all personal identifying information, bank account numbers, and debit, charge, and credit card numbers contained in records relating to an individual's personal health or eligibility for health-related services made or received by the Department of Health or its service providers. The bill provides for the following exceptions to this exemption:

- With the express written consent of the individual or the individual's legally authorized representative.
- In a medical emergency, but only to the extent necessary to protect the health or life of the individual.
- By court order upon a showing of good cause.
- To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data use agreement with the department.

The exemption is subject to the Open Government Sunset Review Act of 1995 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides the required statement of public necessity for this exemption.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 1306, ER – Mary Brogan/Breast & Cervical Cancer  
By Health, Aging and Long-Term Care; Sanderson; Miller**

**Linked Bills:** None

**Tied Bills:** Similar CS/HBs 715 & 1355, 1st ENG., CS/CS/SB 792, 1st ENG., SB 2002, 1st ENG.

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care;  
Appropriations Subcommittee on Health & Human Services; Appropriations

CS/SB 1306 creates a new section of statute, s. 381.93, F.S., entitled the “Mary Brogan Breast and Cervical Cancer Early Detection Program Act.” This new section:

- Provides Legislative intent relating to early diagnosis of, and increased access to screening, diagnosis, and treatment for, breast and cervical cancer.
- Specifically authorizes the Department of Health, subject to appropriations, to establish the Mary Brogan Breast and Cervical Cancer Screening and Early Detection Program to provide screening, diagnosis, evaluation, treatment, case management, follow-up, and referral services.
- Specifies that program services be funded by Title XV grants from the federal Centers for Disease Control and Prevention.
- Specifies that program enrollment be limited to those women with incomes up to and including 200 percent of the federal poverty level, with a specific eligibility determination process, including income verification.
- Authorizes the Department of Health to provide other breast and cervical cancer screening and diagnostic services, funded through other sources of funds.

The bill provides for a new category of optional eligibility under the Florida Medicaid program (by amending s. 409.904, F.S., relating to optional Medicaid services) for a woman who has not attained the age of 65 and who has been screened for breast or cervical cancer by a “qualified entity” and is in need of treatment for breast and cervical cancer and is not otherwise covered under “creditable coverage” as defined under federal law. A “qualified entity” is a county public health department, or other entity that has contracted with the Department of Health to provide breast and cervical cancer screening paid for by this act. The bill provides for eligibility, presumptive eligibility, and duration of eligibility.

The bill also directs the Department of Health and the Agency for Health Care Administration to monitor Medicaid expenditures under this act, and directs the department to limit screenings to ensure that Medicaid expenditures do not exceed appropriations. The department, in cooperation with the agency, is directed to prepare an annual report (March 1 of each year) addressing: number screened; screening results; referrals for treatment; screenees not treated due to funding limitations, if any; Medicaid treatment costs; and estimated costs for treatment services for those women not screened and treated due to funding limitations.

While not a part of this bill, it should be noted that proviso language which follows Specific Appropriation 252 in the Conference Report on SB 2000: General Appropriations for 2001-2002 provides for \$1.2 million from General Revenue and \$2.7 million from federal funds to “be used to provide Medicaid coverage for individuals screened through the Florida Centers for Disease Control Breast and Cervical Early Detection program grant.”



Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1429, ER – Cardiac Arrest Survival Act**

**By Byrd; Murman**

**Linked Bills:** None

**Tied Bills:** Identical CS/SB 1966

**Committee(s)/Council(s) of Reference:** Health Promotion (HCC); Healthy Communities

HB 1429 creates the “Cardiac Arrest Survival Act,” to provide immunity from liability for a person who uses or attempts to use an automated external defibrillator device in a perceived medical emergency. The bill provides a series of “whereas” clauses that indicate the need to address this issue. The bill provides definitions of relevant terms. The bill specifies the circumstances under which immunity is granted for the use of an automated external defibrillator on a victim in a perceived medical emergency, and provides certain exceptions to such immunity. The bill specifies that the act does not establish a cause of action.

The bill repeals an existing provision in the “Good Samaritan Act” specific to use of an automatic external defibrillator under certain circumstances.

The bill revises existing language relating to training requirements for use of these devices, and makes reference to “automated external defibrillator devices” rather than “automatic external defibrillator devices.”

The bill directs the Secretary of the Department of Health, in conjunction with the Secretary of the Department of Management Services, to adopt rules to establish guidelines relating to the appropriate placement and deployment of automated external defibrillator devices in buildings owned or leased by the state, and specifies factors to be considered in placement and deployment guidelines and decisions.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**CS/CS/SB 2092, ER – Health Care**

**By Appropriations; Health, Aging and Long-Term Care; Sanderson**

**Linked Bills:** None

**Tied Bills:** Similar HB 1885, 1st ENG., Compare HB 751, HB 985, CS/HB 1219, 1st ENG., HB 1607, 2nd ENG., SB 672, CS/CS/SB 792, 2nd ENG., SB 1220, 2nd ENG., CS/CS/SB 2146, 1st ENG., CS/SB 2174

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Health & Human Services; Appropriations

CS/CS/SB 2092 addresses a variety of health care and Medicaid issues.

The bill transfers the Community Hospital Education Program from the Board of Regents to the Department of Health--via Type 2 transfer--and incorporates conforming revisions

to reflect this transfer. In addition, the provisions relating to the program are amended to:

- Authorize departmental expenditures for purposes of administering the program;
- Permit medical schools providing graduate medical education in community-based clinical settings to apply for Graduate Medical Education Innovation Grants;
- Specify (in statute rather than in proviso) the members on the Graduate Medical Education Work Group; and
- Provide rulemaking authority to the department for the program.

With regard to Medicaid, the bill:

- Provides for certification of local matching funds under the Medicaid program, in conformity with the General Appropriations Act and pursuant to an agreement between the local government and the Agency for Health Care Administration, using a certification form to be developed by the agency. Provides for an annual statement of impact from the agency as to the use of such local funds.
- Amends the definition of “charity care” for purposes of the Medicaid regular disproportionate share program, to indicate that compensation other than restricted and unrestricted revenues provided to a hospital by local governments or tax districts, regardless of the method of payment, be excluded from charity care. This definition is also amended to revise the poverty level threshold from 150 to 200 percent of the federal poverty level.
- Modifies one of the ten criteria that must be met under the Medicaid primary care disproportionate share program, to clarify that Medicaid and local program participants are excluded from the population for which the hospital must provide primary care free-of-charge or on a sliding scale basis.
- Extends from 2 years to 4 years the duration of Provider Service Network demonstration projects under the Florida Medicaid program.

This bill amends the provisions of the Health Care Responsibility Act (HCRA) relating to a county's financial responsibility for indigent patients treated at certain out-of-county hospitals. Population figures used to compute the maximum amount a county is required to pay are reduced to exclude the number of inmates and patients residing in institutions operated by the federal government, the Department of Corrections, the Department of Health, or the Department of Children and Family Services, and the number of active-duty military personnel residing in the county. However, this alternate calculation is only available to counties with a population of 100,000 or less, and only if such county agrees to accept as valid, without reverification, documents certifying financial eligibility and county residency, which are used to request reimbursement for services. [NOTE: This was the substance of HB 751.]

The bill expresses legislative intent that personally identifying information should be kept confidential and not be exploited for the purposes of solicitation and marketing the sale of goods and services. The bill prohibits health facilities licensed under ch. 395, F.S., nursing homes licensed under ch. 400, F.S., and health care practitioners licensed under ch. 456, F.S., from using patient information for the purposes of solicitation and marketing the sale of goods and services, notwithstanding any written authorization for the release of medical records to allow for such use upon a written release permitting the use of patient information for such purposes. In addition, the bill directs the Department of Insurance to adopt rules consistent with the National Association of Insurance

Commissioners' (NAIC) model law and a related federal law, which provide a standard requiring banks and insurers to obtain affirmative approval from the customer before sharing health information with affiliated corporate entities. [NOTE: This was the substance of HB 985.]

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

**CS/SB 2110, ER – Medicaid Services**

**By Health, Aging and Long-Term Care; Silver; Sanderson**

**Linked Bills:** None

**Tied Bills:** Compare HB 1371

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care;  
Appropriations Subcommittee on Health & Human Services; Appropriations

CS/SB 2110 prohibits Medicaid reimbursement for dental treatment provided in a mobile dental unit unless the unit is:

- Owned, operated by, or under contractual agreement with the Department of Health, complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider;
- Owned by, operated by, or under contractual arrangement with a federally qualified health center, complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider;
- Rendering services to Medicaid recipients, 21 years of age or older, at nursing facilities; or
- Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.

The bill authorizes the Agency for Health Care Administration to:

- Restrict reimbursement for mandatory Medicaid services rendered to Medicaid recipients by providers in mobile units; and
- Restrict or prohibit reimbursement for optional Medicaid services rendered to Medicaid recipients by providers in mobile units.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.



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## Health Regulation Committee

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### **HB 69, ER – Drugs/Generic & Brand-Name**

**By Argenziano; Fasano and others**

**Linked Bills:** None

**Tied Bills:** Similar SB 342

**Committee(s)/Council(s) of Reference:** Health Regulation (HCC); Fiscal Policy & Resources (FRC); Healthy Communities

This bill removes from the negative formulary any generic drug for which every commercially marketed equivalent of that drug product is “A” rated as therapeutically equivalent to a reference listed drug or is a reference listed drug in the Orange Book. According to staff with the Board of Pharmacy, the effect of this bill requires four (4) drugs: digoxin; warfarin; quinidine gluconate; and phenytoin to be taken off the negative drug formulary. A physician maintains the authority to prohibit generic drug substitution by writing “medically necessary” on the prescription.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

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### **SB 654, ER – Pharmacists/Licensure by Endorsement**

**By Saunders and others**

**Linked Bills:** None

**Tied Bills:** Identical CS/HB 437

**Committee(s)/Council(s) of Reference:** Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

This bill creates licensure by endorsement requirements for a pharmacist who is licensed in another jurisdiction or who has met certain other requirements to practice pharmacy in Florida without having to take the national licensure examination at the time of application. Florida and California are the only states that do not provide for licensure by endorsement.

The bill provides that applicants must have passed the national examination (NABPLEX), or a similar national examination, not more than 12 years prior to the date of the application. The applicant for licensure by endorsement must submit proof of the active licensed practice of pharmacy in two of the immediately preceding five years, evidence of successful completion of either board-approved postgraduate training or a board-approved clinical competency examination within the year preceding application, or must have completed an internship within the 2 years immediately preceding application. Also, the applicant must have obtained a passing score on the pharmacy jurisprudence portions of the licensure examination, as required by board rule. The bill defines the active licensed practice of pharmacy as the practice of pharmacy by pharmacists, including those employed by any governmental entity, in community or public health, within two of the five years immediately preceding application. It requires applicants licensed in another state for a period in excess of two years to submit evidence of completion of certain continuing education requirements.

The bill prohibits the Department of Health from issuing a license to any applicant who is being investigated for acts that would violate regulations applicable to Florida licensed pharmacists until the investigation is complete, or to any pharmacist whose license has been suspended or revoked in another state, or to any applicant whose license to practice pharmacy is currently the subject of any disciplinary proceeding in another state. Additionally, the bill requires legislative review during the 2006 Regular Session of the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**SB 666, ER – Physician Assistants**

**By Sullivan**

**Linked Bills:** None

**Tied Bills:** Identical CS/HB 331, Includes part of CS/SB 1558, ER

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

This bill modifies the formulary of medicinal drugs that physician assistants may prescribe. The bill requires the Council on Physician Assistants, in consultation with a licensed pharmacist, to establish a negative drug formulary which lists the medicinal drugs that a licensed physician assistant may not prescribe. It also permits a licensed physician assistant to dispense drug samples to patients. Furthermore, it repeals the five-member physician assistant formulary committee.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**CS/SB 684, ER – Organ Transplantation**

**By Health, Aging and Long-Term Care; Cowin and others**

**Linked Bills:** None

**Tied Bills:** Compare HB 1153, CS/SB 1558, ER

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care

Directs the Agency for Health Care Administration to create a 15-member Organ Transplant Task Force to study organ transplantation programs. Requires task force to study and make recommendations on necessity of issuance of certificates of need for such program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 792, ER – Health Care Administration/Agency**

**By Appropriations; Health, Aging and Long-Term Care; Silver**

**Linked Bills:** None

**Tied Bills:** Includes part of HB 1843, Compare CS/SB 1256, ER, CS/SB 1558, ER, HB 1867, 2nd ENG, CS/HB 1895

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; Appropriations; Rules and Calendar

Provisions within CS/CS/SB 792 include the substance of a committee bill relating to the Nursing Shortage (HB 1843). The bill amends requirements for the Nursing Student Loan Forgiveness Program to include public schools, family practice teaching hospitals, and specialty children's hospitals as employing institutions whose nurse employees are eligible to receive loan repayment under the program. Extends an exemption to public schools, family practice teaching hospitals, and specialty children's hospitals from the requirement to match loan forgiveness funding for those nurses employed by those entities. Transfers by a type two transfer, all statutory powers, duties, functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001, except as otherwise provided.

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**HB 947, ER – Decedent's Medical Records/Presuits**

**By Seiler and others**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 1084

**Committee(s)/Council(s) of Reference:** Health Regulation (HCC); Judicial Oversight (SGC); Healthy Communities

This bill allows the medical records of a deceased person to be released for a medical malpractice presuit investigation and exempts the health care practitioner from civil liability or discipline for the disclosure.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/SB 962, ER – Orthotics, Prosthetics, & Pedorthics**

**By Health, Aging and Long-Term Care; Diaz de la Portilla**

**Linked Bills:** None

**Tied Bills:** Compare CS/HB 87, CS/SB 1558, ER

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Governmental Oversight and Productivity

This bill revises grandfathering provisions in s. 468.805(3), F.S., to extend the deadline from July 1, 2002, to July 1, 2003, to allow certain applicants for licensure as an orthotist, a prosthetist, a prosthetist-orthotist, or a pedorthist who have not received certification from a certifying body which requires successful completion of an examination before March 1, 1998, to waive the education requirements for licensure and to sit for the state licensure examination until July 1, 2003. The bill provides the Board of Orthotists and Prosthetists may not limit the number of times that an applicant may sit for the examination. An applicant has until July 1, 2003, to complete the

examination process. To conform, the repeal date of s. 468.805, F.S., is extended from July 1, 2002, to July 1, 2003.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law. These same provisions were adopted in CS/SB 1558, ER which has an effective date of July 1, 2001.

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**CS/SB 1128, ER – Access to Medical Treatment Act**

**By Health, Aging and Long-Term Care; Latvala**

**Linked Bills:** None

**Tied Bills:** Similar HB 653

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Judiciary

The "Access to Medical Treatment Act" is created to allow an allopathic or osteopathic physician to treat an individual for a life-threatening illness, disease, or condition by means of an investigational medical treatment subject to the individual's or the individual's legal representative's authorization, provided the following steps are followed:

- The physician examines the individual;
- There is no reasonable basis on which to conclude that the treatment itself when used as directed, poses an unreasonable and significant risk of danger to the individual;
- The physician provides an oral explanation and a written statement disclosing the facts regarding the nature of the treatment, that the treatment is experimental and not approved by the FDA for such indication, any available alternative treatments, and the risks of side effects which are generally recognized by reasonably prudent physicians; and
- The individual acknowledges in writing receipt of such oral explanation and written statement.

If these steps are followed, the physician's investigational treatment cannot constitute *unprofessional conduct* by the physician on that basis alone. The bill provides that this provision is not intended to modify or change the scope of practice of any licensee of the Department of Health or alter in any way the provisions including the standard of care within the respective physician's practice act and the prohibition against fraud and exploitation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 1256, ER – Nursing Education**

**By Health, Aging and Long-Term Care; Campbell**

**Linked Bills:** None

**Tied Bills:** Compare CS/CS/SB 792, ER, CS/SB 1558, ER, HB 1843, HB 1867, 2nd ENG., CS/HB 1895

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Education



This bill includes some of the provisions included within the committee bill relating to the Nursing Shortage (HB 1843). The bill requires the Board of Nursing to hold in abeyance until July 1, 2002, the development of any rule pursuant to s. 464.019, F.S., regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and clinical training for approved nursing programs, which relates to the establishment of faculty/student clinical ratios. The Board of Nursing and the Department of Education must submit to the President of the Senate and the Speaker of the House of Representatives by December 31, 2001, an implementation plan that details both the impact and the cost of any such proposed rule change.

The bill amends requirements for the Nursing Student Loan Forgiveness Program to include public schools, family practice teaching hospitals, and specialty children's hospitals as employing institutions whose nurse employees are eligible to receive loan repayment under the program. Extends an exemption to public schools, family practice teaching hospitals, and specialty children's hospitals from the requirement to match loan forgiveness funding for those nurses employed by those entities. Transfers by a type two transfer, all statutory powers, duties, functions and the records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 1324, ER – Health Care/Alternative Treatment**

**By Peaden and others**

**Linked Bills:** None

**Tied Bills:** Identical HB 1077, Similar SB 2176

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations

Ch. 456, F.S., establishes general provisions relating to licensure and regulation of all health care practitioners, but does not specifically speak to complementary or alternative modes of treatment. Likewise, the individual practice acts do not specifically address such treatment options. Some treatment methodologies that have historically been considered by traditional health care practitioners as complementary or alternative treatment are specifically authorized by Florida Statutes; such as, the practice of acupuncture, governed by Ch. 457, F.S.; and the practice of naturopathy, governed by Ch. 462, F.S.

The bill creates provisions authorizing licensed health care practitioners to provide complementary or alternative health care treatment as an option to conventional treatment. The bill provides that health care practitioners utilizing complementary or alternative treatment methods are subject to the same requirements, provisions, and liabilities associated with conventional treatment methods. The bill explicitly requires documentation of informed consent communication with the patient. In addition, the bill specifies that it does not modify or change the scope of practice of any Florida health care practice acts. Finally, the bill revises the Florida Patient's Bill of Rights and Responsibilities to include the right to access complementary or alternative health care treatments.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/SB 1558, ER – Health Care Practitioner Regulation**

**By Health, Aging and Long-Term Care; Saunders**

**Linked Bills:** None

**Tied Bills:** Similar SB 782, 1st ENG., Includes CS/HB 87, HB 159, 1st ENG., HB 315, SB 666, ER, CS/SB 684, ER, HB 725, CS/SB 962, ER, HB 1129, HB 1153, CS/SB 1256, ER, CS/SB 1442, 1st ENG., HB 1543, CS/SB 1568, ER, CS/SB 1788, ER, HB 1843, HB 1867, 2nd ENG., HB 1873, CS/HB 1895, CS/SB 2158

**Committee(s)/Council(s) of Reference:** Health, Aging, and Long-Term Care; Appropriations Subcommittee on Health and Human Services; Appropriations; Rules and Calendar

This is a comprehensive health care bill which amends all of the practice acts relating to health care practitioners and providers. Among its provisions, the bill:

- Ensures the financial integrity and stability of the Medical Quality Assurance Trust Fund.
- Streamlines and expedites regulatory processes while reducing the overall expenses of practitioner regulation through better use of technology.
- Reduces the shortage of nurses in Florida.
- Protects patients from medical errors through implementation of the recommendations of the Florida Commission on Excellence in Health Care, including patient and provider education.
- Reduces health care fraud through enhanced criminal, civil, and administrative penalties.
- Prohibits rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories.
- Directs the Agency for Health Care Administration to create an Organ Transplant Task Force and to study the future necessity of issuance of certificates of need for proposed organ transplant programs.
- Clarifies that the dispensing of cosmetic or medical contact lenses is unlawful without a prescription.
- Prohibits boards from expanding the scope of practice through rules without statutory authority.
- Protects student athletes from harm.
- Requires the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature.

- Clarifies patient rights and access to palliative care.
- Prohibits the use of patient records for solicitation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001, except as provided otherwise therein.

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### **CS/SB 1788, ER – Dentistry**

**By Health, Aging and Long-Term Care; Wasserman-Schultz and others**

**Linked Bills:** None.

**Tied Bills:** Similar HB 235 and CS/SB 992, 1st ENG., Includes parts of CS/SB 1558, ER, HB 1867, 2nd ENG., CS/HB 1895, CS/CS/SB 2156, ER, CS/SB 2158

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care

The bill amends the domestic violence continuing education requirements for certain health care professionals in s. 456.031, F.S., to provide a licensed dentist or dental hygienist the option of completing a course approved by the Board of Dentistry in lieu of a domestic violence course for licensure renewal, if the licensed dentist or dental hygienist has completed a domestic violence course in the immediately preceding 2 years.

The bill amends the AIDS/HIV continuing education requirements for certain health care professionals in s. 456.033, F.S., to provide a licensed dentist or dental hygienist the option of completing a course approved by the Board of Dentistry in lieu of an AIDS/HIV course for licensure renewal, if the licensed dentist or dental hygienist has completed an AIDS/HIV course in the immediately preceding 2 years.

Further, this bill provides an appeals process for claims that have been denied as not being medically or dentally necessary after the service has been provided to the patient. It provides that the appeal must be available under the contract, the appeal shall be made to the insurer's licensed dentist who is responsible for medical necessity reviews or who is a member of the plan's peer review group, and the insurer's dentist must respond within a reasonable time, not to exceed 15 business days.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001, and applies to policies issued or renewed after that date.

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### **HB 1863, ER – Onsite Sewage Treatment & Disposal**

**By Health Regulation; Farkas; Argenziano**

**Linked Bills:** None

**Tied Bills:** Similar SB 1648

**Committee(s)/Council(s) of Reference:** Natural Resources & Environmental Protection (RIC); Healthy Communities

HB 1863 provides regulatory and permitting requirements of maintenance entities for performance-based and aerobic treatment units (ATUs) onsite sewage systems. The bill provides:

- Minimum inspection and optional sampling criteria for performance-based treatment systems and aerobic treatment systems completed by the Department of Health.
- Reduces the operating permit fee for these systems from a current range of \$150 to \$300 to not more than \$100.
- Establishes a fee for a maintenance entity permit for performance-based treatment systems of not less than \$25 and not more than \$150.
- Removes the requirement that the owner obtain a system-operating permit, and places the requirement on the contractual maintenance entity, which is required to inspect the system twice annually.
- Rulemaking authority to the Department of Health to establish minimum qualifying criteria for maintenance entities.
- Reduces the renewal operating permit process for performance-based and ATU treatment systems, from one year to every two years.

There is no cost to local government. There is an annual \$100 savings in permitting fees to homeowners who have ATUs.

In addition, the Department of Health Technical Review and Advisory Panel is directed to review and advise on the need for licensing the portable restroom industry in the state.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 2092, ER – Health Care**

**By Appropriations; Health, Aging and Long-Term Care; Sanderson**

**Linked Bills:** None

**Tied Bills:** Compare SB 782, 1st ENG., HB 985, CS/CS/SB 2146, 1st ENG.

**Committee(s)/Council(s) of Reference:** Health, Aging and Long-Term Care; Education; Appropriations Subcommittee on Health and Human Services; Appropriations

This bill includes provisions relating to Medical Records/Solicitation/Marketing contained in HB 985 by Representative Justice which prohibits health facilities licensed under ch. 395, F.S., nursing homes licensed under ch. 400, F.S., and health care practitioners licensed under ch. 456, F.S., from using patient information for the purposes of solicitation and marketing the sale of goods and services; notwithstanding any written authorization for the release of medical records under the section to allow for such use upon a written release permitting the use of patient information for those purposes. The bill expresses legislative intent that personally identifying information should be kept confidential and not exploited for the purposes of solicitation and marketing the sale of goods and services.

In addition, the bill allows the Department of Insurance to adopt rules consistent with the National Association of Insurance Commissioners (NAIC) model law, which provides a

standard requiring banks and insurers to get affirmative approval from the customer before sharing health information with its affiliates. It permits the sharing of financial information with a simple disclosure, but health information must have an affirmative approval.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 2156, ER – Dentist/Palliative/End-of-Life Care**

**By Judiciary; Health, Aging and Long-Term Care; Klein**

**Linked Bills:** None

**Tied Bills:** Similar to CS/HB 1403, Includes part of CS/SB 1558, ER

**Committee(s)/Council(s) of Reference:** Health, Aging, and Long-Term Care; Judiciary

This bill allows persons licensed under ch. 466, F.S., including dentists and dental hygienists, to complete a course approved by the Board of Dentistry in lieu of taking a domestic violence course, so long as the dentist or dental hygienist has taken an approved domestic violence course in the immediately preceding two years.

The bill also clarifies the definition of “end-stage condition,” creates a definition of “palliative care,” and revises duties of health care providers and practitioners, surrogates, and proxies.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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